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OFFICE OF PETITIONS

In re Application of	:	
Yuriy M. Dunayeskiy et al	:	
Application No. 09/920,435	:	ON PETITION
Filed: August 1, 2001	:	
Attorney Docket No. HKI-106AX	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 22, 2005, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on May 26, 2005, with the issue fee being due on or before August 26, 2005. The petition states that the issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of May 26, 2005, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 1639 for appropriate processing of the RCE filed July 22, 2005 and consideration of the amendment submitted concurrently therewith.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions